

SOLID WASTE DISPOSAL ACT (SWDA)8-25. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements (Subtitle I)

1. AUTHORITY. Pursuant to Subtitle I of the SWDA: to make determinations of violations of Subtitle I; to issue warning letters or other notices; to issue compliance orders, including unilateral and consent orders; to issue notices to States; to issue administrative complaints; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED. Director, Land and Chemicals Division (LCD); Associate Director, Office of Land Enforcement, LCD; and Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).

3. LIMITATIONS.

a. This authority may only be exercised prior to the alleged violator filing an answer to an administrative complaint or, in the event of a failure to file an answer, within the period to file an answer which is set by the complaint.

b. The delegates must obtain the concurrence of the Regional Counsel or his/her designee prior to issuing complaints and signing consent agreements.

d. The Director OECEJ may exercise these authorities only in multi-media cases.

e. The Director OECEJ must consult with the LCD delegates before exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Section 9006 and 9003(h) of the SWDA.

b. See delegation 8-9-A and 8-32 in "EPA's Delegations Manual."

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-25. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements (Subtitle I), 1200 TN RIII-80, (November 22, 1989).

Date 9/1/98

/s/ Thomas C. Voltaggio
W. Michael McCabe
Regional Administrator